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7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

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11 JOHN LIGE,

12 Plaintiff,

13 vs.

14 CLARK COUNTY, a political subdivision of  
the State of Nevada; Service Employees  
International Union, Local 1107, labor union,  
15 DOES I-V; and ROES VI-X,

16 Defendants.

CASE NO. 2:16-cv-0603-JAD-PAL

**CONFIDENTIALITY AGREEMENT  
AND PROTECTIVE ORDER**

17  
18 Plaintiff John Lige, by and through his counsel of record Dan M. Winder, Esq. and Arnold  
19 Weinstock, Esq., Defendant Clark County, by and through its attorney, Robert W. Freeman, Esq.,  
20 and Defendant Service Employees International Union, Local 1107, by and through its attorney,  
21 Michael A. Urban, Esq., hereby agree and stipulate as follows:

22 1. The parties enter into this Stipulation and Protective Order under Federal Rule of  
23 Civil Procedure 26(c) to establish procedures for the handling of documents produced by the  
24 parties in response to discovery requests.

25 2. Any party may designate and mark certain documents produced in response to  
26 discovery requests as "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER." The party  
27 designating such documents shall be referred to as the Designating Party and any party in receipt  
28 of such documents shall be referred to as the Receiving Party. Documents so marked may be used

1 only for purposes of this litigation.

2           3.       Except as otherwise ordered by this Court, documents marked “CONFIDENTIAL”  
3 or “SUBJECT TO PROTECTIVE ORDER” and the contents of documents so marked may be  
4 disclosed only to employees or agents of the following persons:

- 5                   (a)     counsel of record for Plaintiff and Plaintiff;  
6                   (b)     counsel of record for Defendant and Defendant;  
7                   (c)     counsel for Defendant Service Employees International Union, Local 1107  
8                             and Defendant Service Employees International Union, Local 1107;  
9                   (d)     the non-technical and clerical staff employed by counsel of record;  
10                  (e)     interpreters and copying services employed by counsel of record’s employer  
11 to the extent reasonably necessary to render professional services in this case;  
12                   (f)     any private court reporter retained by counsel for depositions in this case;  
13                   (g)     subject to the terms of paragraph 5, persons retained by counsel to serve as  
14 expert witnesses or consultants in this case; and  
15                   (h)     personnel of the Court, including court reporters, officials and employees of  
16 the Clerk of Court, and staff of the presiding United States District Judge and United States  
17 Magistrate Judge, to the extent deemed necessary by the Court.

18           4.       If counsel for a Receiving Party determines that it is necessary to disclose any  
19 document marked “CONFIDENTIAL” or “SUBJECT TO PROTECTIVE ORDER” to any  
20 persons other than the individuals included in paragraph 3, that counsel shall set forth the grounds  
21 for the disclosure and seek the written consent of counsel for the Designating Party. The  
22 Designating Party shall respond to the Receiving Party’s request within seven calendar days unless  
23 the Receiving Party agrees to a longer period. If counsel for the Designating Party does not  
24 consent, counsel for the Receiving Party and counsel for the Designating Party shall within five  
25 court days of the Designating Party’s response meet and confer in person or telephonically  
26 regarding the issue, during which meeting and conference counsel for the Receiving Party shall  
27 specify the reasons why disclosure is necessary. If any agreement is not reached, the Designating  
28 Party shall move the Court within the ten calendar days of the meeting and conference for a

1 protective order preventing disclosure. The Receiving Party shall not disclose the document unless  
2 the Designating Party has failed to file a motion within the time allowed or the Court has denied  
3 the motion.

4         5. If counsel for the Receiving Party determines that it is necessary to disclose any  
5 document marked “CONFIDENTIAL” or “SUBJECT TO PROTECTIVE ORDER” to an expert  
6 or consultants retained to render professional services in this case, that counsel shall notify counsel  
7 for the Designating Party in writing at least seven days before the proposed disclosure with the  
8 name of the expert or consultant. The Designating Party shall respond to the Receiving Party’s  
9 notification within seven calendar days unless the Receiving Party agrees to a longer period. If  
10 counsel for the Designating Party objects, counsel for the Receiving Party and counsel for the  
11 Designating Party shall within five court days of the Designating Party’s response meet and confer  
12 in person or telephonically regarding the issue. If an agreement is not reached, the Designating  
13 Party shall move the court within ten calendar days of the meeting and conference for a protective  
14 order preventing disclosure. The Receiving Party shall not disclose the document unless the  
15 Designating Party has failed to file a motion within the time allowed or the Court denies the  
16 motion.

17         6. Any party may object to the propriety of the designation of documents as  
18 “CONFIDENTIAL” or “SUBJECT TO PROTECTIVE ORDER” by objecting and setting forth in  
19 writing the grounds for the objection. The Designating Party shall respond to the Receiving  
20 Party’s objection within seven calendar days unless the Receiving Party agrees to a longer period.  
21 If an agreement is not reached, counsel for the Receiving Party and counsel for the Designating  
22 Party shall within five court days of the Designating Party’s response meet and confer in person or  
23 telephonically, during which meeting and conference counsel for the Receiving Party shall specify  
24 the grounds for objection with respect to each document at issue. If the parties cannot agree, then  
25 the Designating Party will then have ten calendar days after the conference of counsel to file a  
26 motion to preserve the confidentiality designation. The burden of proof to demonstrate  
27 confidential treatment of any information at all times remain with the Designating Party. The  
28 parties shall treat the documents as the subject to this Stipulation and Order unless the Designating



1 documents marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER."

2 Notwithstanding this paragraph, however, the parties' attorneys may retain one copy of  
3 each document filed with the Court that contains or refers to any of the designated documents.  
4 Furthermore, nothing in this paragraph shall be construed to require the parties' attorneys to  
5 disclose any attorney work-product to opposing counsel.

6 11. In connection with a deposition in this case, a witness or any counsel may indicate  
7 that a question or answer refers to the content of a document marked "CONFIDENTIAL" or  
8 "SUBJECT TO PROTECTIVE ORDER." If the indication occurs on the record during the  
9 deposition, all persons not authorized to review such documents shall leave the deposition room  
10 until completion of the answers referring to the document and the reporter shall mark the transcript  
11 of the designated testimony "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER."

12 12. If any party wishes to submit into the written record of this case any document  
13 marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER" or excerpts from any  
14 such document, that party shall seek to submit the document under seal.

15 13. Papers filed with the Court under seal shall be accompanied by a motion for leave  
16 to file those documents under seal addressing the specific reasons for filing these documents under  
17 seal pursuant to *Kamakana v. City of Cnty. Of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), and shall  
18 be filed in accordance with the Court's electronic filing procedures. If papers are filed under seal  
19 pursuant to prior Court order, the papers shall bear the following notation on the first page,  
20 directly under the case number: "FILED UNDER SEAL PURSUANT TO COURT ORDER  
21 DATED \_\_\_\_." All papers filed under seal will remain sealed until such time as the Court may  
22 deny the motion to seal or enter an order to unseal them, or the documents are unsealed pursuant  
23 to Local Rule.

24 14. Nothing in this Stipulation and Protective Order prevents any party from  
25 challenging any assertion of privilege by any party, and nothing in this Stipulation and Protective  
26 Order constitutes a waiver of any assertion of privilege by any party or precludes any party from  
27 moving for consideration of information ex parte and in camera.

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15. Anyone found to be in violation of this Order may have sanctions imposed against him or her as the Court may determine and allowable under law and may also be subject to contempt of court proceedings.

DATED this 27<sup>th</sup> day of June, 2016.

DATED this 27<sup>th</sup> day of June, 2016.

LEWIS, BRISBOIS, BISGAARD & SMITH

LAW OFFICE OF DAN M. WINDER, P.C.

/s/ Robert W. Freeman

/s/ Scott C. Dorman

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DATED this 27<sup>th</sup> day of June, 2016.

THE URBAN LAW FIRM

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*Attorney for Defendant SEIU*

**ORDER**

IT IS SO ORDERED.

DATED this 1<sup>st</sup> day of July, 2016.



U.S. MAGISTRATE JUDGE